

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: John DeCicco
Deputy Attorney General
Division of Law
124 Halsey St., PO Box 45029
Newark, New Jersey 07101
Tel: (973) 648-2894

CERTIFIED TRUE COPY

FILED WITH THE BOARD
OF MORTUARY SCIENCE

ON December 4, 1997

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE)
AND REGISTRATIONS OF:)

RUSSELL C. SHEPPARD)
LICENSE NO. JP02400)

RUSSELL C. SHEPPARD)
FUNERAL HOME (BRIDGETON))
REGISTRATION NO. JP01223)

RUSSELL C. SHEPPARD)
FUNERAL HOME (SALEM))
REGISTRATION NO. JP00801)

TO PRACTICE MORTUARY SCIENCE AND)
TO OPERATE REGISTERED MORTUARIES)
IN THE STATE OF NEW JERSEY)

Administrative Action

NOTICE OF MOTION
FOR EMERGENT RELIEF
AND RECONSIDERATION

TO: Russell C. Sheppard
Russell C. Sheppard Funeral Home
613 Salem-Quinton Road, Route 49
Salem, New Jersey 08079

PLEASE TAKE NOTICE that the undersigned will move for emergent relief before the State Board of Mortuary Science at 124 Halsey Street, 6th Floor, Newark, New Jersey 07101, on January 13, 1998, at 9:00 a.m., or as soon thereafter on that date as counsel may be heard, for reconsideration and modification of this Board's prior Orders entered in this matter. The relief sought by the undersigned is the revocation with prejudice of respondent's

license to practice mortuary science and the revocation with prejudice of respondent's registrations to operate registered mortuaries in the State of New Jersey. The undersigned is also moving to compel respondent Sheppard to immediately advise the Board of the status of all prepaid funeral arrangements which are the subject matters of this on-going litigation, including all requests for refunds and any refunds which may have been made.

In support of this motion, the undersigned will rely upon his attached Certification and Exhibits appended thereto and his letter to the Board.

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: 

John DeCicco
Deputy Attorney General

Dated: December 4, 1997

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Administrative Action

CERTIFICATION OF
JOHN DECICCO

JOHN DECICCO, of full age, being duly sworn, upon his oath,
deposes and says:

1. I am a Senior Deputy Attorney assigned to prosecute
matters on the behalf of the New Jersey State Board of Mortuary
Science (the "Board"). In that capacity, I am responsible for

handling the above-captioned matter involving one Russell C. Sheppard and the Russell C. Sheppard Funeral Homes.

2. On August 5, 1997, the Board suspended the license of Russell C. Sheppard for a period of six (6) years, three (3) years active, and actively suspended the registrations of the Russell C. Sheppard Funeral Homes for a period of ninety (90) days from August 15, 1997.

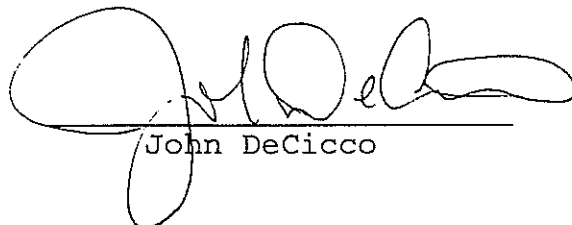
3. As a result of an emergent motion filed on October 2, 1997 by the undersigned, on October 21, 1997, the Board heard oral argument and rendered a Supplemental Decision and Order to its prior Order of August 5, 1997. The Supplemental Order makes clear that by November 14, 1997, respondent Sheppard was responsible for providing the Board with a complete and certified list of all those persons who had made prepaid funeral arrangements with him where the monies for said arrangements had not been placed in funeral trusts as provided by law. Furthermore, the Board ordered that by November 14, 1997, respondent Sheppard was to have sent to each consumer on the list, a letter advising him or her of their options to obtain a full refund with interest, to move their prepaid funeral (with interest) to another funeral home or for respondent to place their monies (with interest) in a funeral trust P.O.D. to the respondent Sheppard funeral homes. The funeral homes are to be closed until all monies owed are returned or accounted for as described herein.

4. In the event that respondent failed to identify and include all appropriate persons on the list referred to in the previous paragraph, the oral decision of the Board provides that on short notice it will entertain a motion for revocation of respondent Sheppard's license and for revocation of the registrations of the Russell C. Sheppard Homes for Funerals. See Transcript of October 21, 1997 at page 54 (lines 6 to 16) and page 56 (lines 7 to 12).

5. The certified list referred to in paragraph 3 was filed with the Board on November 14, 1997. Said list contains thirty (30) names, twenty (20) of which the Attorney General had already identified in its moving papers. The list indicates an outstanding balance of monies owed to consumers in excess of \$86,000, not including interest, which is to be computed at the rate of 5% compounded annually. Respondent certified in writing that the aforesaid list "is a complete list of those persons for which Russell C. Sheppard Funeral Home presently has pre-paid funeral arrangements". See Certification of November 14, 1997.

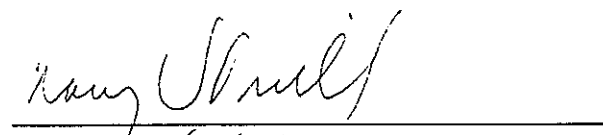
6. Not included on said certified list are three (3) prepaid funeral arrangements which have since come to the attention of the Attorney General. These matters involve one L.E.S., in the amount of \$3,615 (date of preneed arrangements unknown); one H.R. in the amount of \$4,345 (paid in full on April 10, 1994); and, one H.J.M. in the amount of \$4,100 (paid in full on May 31, 1995). See Exhibits A (L.E.S.), B (H.R.) and C (H.J.M.) attached hereto and made a part hereof. As a result, the total amount known to the Attorney General not accounted for by respondent on his list of

November 14, 1997 is \$12,060, excluding interest. This does not include any other prepaid arrangements not on the list of which the Attorney General has no knowledge.



John DeCicco

Sworn and Subscribed before me
this 5th day of December, 1997.



Nancy Costello Miller

Attorney at Law
State of New Jersey

Russell C. Sheppard

Funeral Home

40 East Avenue
Bridgeton, N.J. 08302
Phone (609) 451-6022

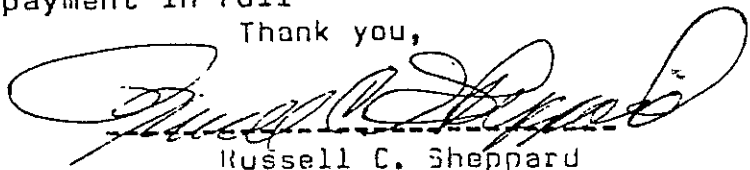
613 Salem-Quinton Road (Rt. 49)
Salem, N.J. 08079
Phone (609) 935-5650

Pre-Arranged & Pre-Paid Funeral For:
Laura E. Simpkins

Cordination and direction of funeral service, supervision, attendants at viewing, service and graveside, preparing and processing death certificate, securing burial permit, preparing obituary, Social Security form, clergy record and all necessary state forms, arranging grave opening, register book, memorial cards, thank you notes -----	\$650.00
Embalming, dressing, casketting, cosmetology and all necessary procedures for viewing -----	250.00
Use of facilities -----	150.00
Removal of deceased to funeral home (local), use of hearse, lead car, car for flowers -----	275.00
Blue finish, steel, sealer casket -----	1050.00
Steel, reinforced concrete vault with high pressure spray-applied asphalt on exterior, polyrib lined with strengthening grooves on all sides, tongue and groove seal with special sealant, nameplate, wreath, silver finish, lowering device, greens and tent -----	725.00
Grave opening -----	220.00
Grave marker -----	225.00
Minister -----	50.00
Hairdresser -----	20.00

Total \$3615.00
Rec'd payment in full

Thank you,


Russell C. Sheppard

Exh. b. + A

Russell C. Sheppard

Funeral Home

40 East Avenue
Bridgeton, N.J. 08302
Phone (609) 451-6022

613 Salem-Quinton Road (Rt. 49)
Salem, N.J. 08079
Phone (609) 935-5650

Pre-arranged & Pre-paid funeral for:

Helen Royal

Coordination and direction of funeral service, supervision,
attendants at service and graveside, preparing and processing
death certificate, securing burial permit, preparing obituary,
Social Security form, clergy record, all necessary state forms,
making cemetery arrangements, register book, memorial cards,
thank you notes ----- \$650.00

Embalming, dressing, casketting, cosmetology and
all necessary procedures for viewing ----- 375.00

Facilities ----- 250.00

Removal of deceased to funeral home (local), use of
hearse, lead and flower car ----- 375.00

Blue finish, steel, sealer casket ----- 1,375.00

Steel reinforced concrete vault with high pressure
spray-applied asphalt on exterior, Pollyribbed lined
with strengthening grooves on all sides, tongue and
groove seal with special sealant, nameplate, wreath,
lowering device, greens, tent ----- 925.00

Grave opening ----- 345.00

Clergy ----- 50.00

Total \$4,345.00

Rec'd payment in full 4-10-1994


Russell C. Sheppard

Exh. 6. + TB

Russell C. Sheppard

Funeral Home

40 East Avenue
Bridgeton, N.J. 08302
Phone (609) 451-6022

613 Salem-Quinton Road (Rt. 49)
Salem, N.J. 08079
Phone (609) 935-5650

Pre-Arranged & Pre-Paid Funeral For:

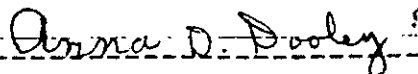
Helen J. McBride

Coordination and direction of funeral service, supervision, attendants at viewing, service and graveside, preparing and processing death certificate, securing burial permit, preparing obituary, Social Security form, clergy record, all necessary state forms, cemetery arrangements, register book, memorial cards, thank you notes -----	\$650.00
Embalming, dressing, casketting, cosmetology and all necessary procedures for viewing -----	375.00
Facilities -----	250.00
Removal of deceased to funeral home, use of hearse, lead and car for flowers -----	425.00
Copper finish, steel, sealer casket -----	1,250.00
Steel, reinforced concrete vault, asphalt coated on exterior, tongue and groove seal, copper finish, lowering device, greens, tent -----	725.00
Grave opening -----	240.00
Clergy -----	50.00
Hairdresser -----	35.00
Dress, lavender, underwear, stockings -----	100.00
Total	\$4,100.00

Paid in full 5-31-95


Russell C. Sheppard

The acceptance of this agreement
creates an irrevocable trust


Anna Dooley

Exh. 6 + C